

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FLOY-DEAN A. JACKSON,

Plaintiffs,

V.

NICOLE K. FISHMAN (PRINCIPAL) DISTRICT 60
JEFFERSON MID. SCH. WAUKEGAN, IL,

Defendant.

)
)
)
) Case No. 13-cv-5259
)
) Judge Lefkow

MOTION FOR ENTRY OF JUDGMENT BROUGHT UNDER FRCP 58(d)

The Board of Education, Waukegan Community Unit School District 60 (“District 60”), incorrectly named as District 60 Jefferson Mid. Sch. Waukegan II, by its attorneys, Linda K. Horras Hinshaw & Culbertson LLP, states the following as its motion for entry of judgment brought under Federal Rule of Civil Procedure 58(d):

1. Plaintiff filed suit against her former employer, District 60, on January 29, 2014. On March 31, 2014, District 60 moved to dismiss her complaint under Fed.R.Civ.Pro. 12(b)(6) because Plaintiff had expanded her allegations of discrimination to include acts outside the scope of her administrative charge. (Dkt. 12).

2. Plaintiff had also incorrectly named a former administrator of District 60 as an individual defendant and dismissal was sought on her behalf.

3. The parties appeared for a hearing on the motion to dismiss on April 8, 2014 at which time Judge Lefkow took the motion under advisement. The court later granted the motion on April 11, 2014, but gave the Plaintiff leave to amend by May 13, 2014. (Dkt. 16).

4. Plaintiff did not file an amended complaint and thus the court set the matter for further status that was held on June 17, 2014. (Dkt. 18). At that time, the court again gave the

Plaintiff until July 15, 2014, to file an amended complaint and further stated that the failure to file an amended complaint would lead to the dismissal of the action. (Dkt. 18).

5. Rather than filing an amended complaint, the Plaintiff elected to stand on the dismissed complaint and filed a Notice of Appeal on July 11, 2014. (Dkt. 20). The record has been forwarded to the Seventh Circuit Court of Appeals and Plaintiff has filed her appellant brief.

6. However, this court did not enter a final judgment subject to an appeal. District 60 thus seeks an entry of judgment in favor of both defendants so that this appeal may proceed. District 60 brings this motion under Fed.R.Civ.Pro. 58(d), which allows a party to request that judgment be entered in a separate document.

WHEREFORE, the DEFENDANT, the Board of Education, Waukegan Community Unit School District 60 seeks an entry of judgment in favor of the Defendants pursuant to Fed.R.Civ.Pro. 58(d).

Respectfully submitted,

By: */s/ Linda K. Horras*
One of the Attorneys for Defendant

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STATE OF ILLINOIS)
)
COUNTY OF COOK)

CERTIFICATE OF SERVICE

I, the undersigned, state that I filed the above and foregoing **District 60's Motion for Entry of Judgment brought under FRCP 58** via the United States District Court for the Northern District of Illinois' Electronic Case Filing system (ECF) on September 15, 2014 and by mailing a copy via regular U.S. Mail to plaintiff:

Floy-Dean A. Jackson
1222 S. Kildare Avenue
Chicago, Il 60623

/s/ Linda K. Horras
Linda K. Horras